

PATENT

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I hereby certify that this correspondence for Application No. 09/732,189 is being electronically transmitted to United States Patent and Trademark Office Board of Patent Appeals and Interferences, via EFS-WEB, on February 2, 2007.

/Scott A. Stinebruner/  
Scott A. Stinebruner, Reg. No. 38,323

February 2, 2007  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Robert Miller	Art Unit:	2157
Serial No.:	09/732,189	Examiner:	Hussein A. El-Chanti
Filed:	December 7, 2000		
For:	PEER PROTOCOL STATUS QUERY IN CLUSTERED COMPUTER SYSTEM		

**COMMUNICATION**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper and the Amended Appeal Brief enclosed herewith are submitted in reply to the Notice of Non-Compliant Appeal Brief dated January 24, 2007, within the one-month period for response. Applicants have amended the Appeal Brief to include a concise explanation of the subject matter defined in each of the independent claims involved in the appeal as required under 37 CFR 41.37(c)(1). Applicants note that the Examiner indicated that concise explanations are also required for each separately-argued dependent claim. Applicants however, can find no such requirement in 37 CFR 41.37(c)(1)(v). The only requirement with respect to separately-argued dependent claims applies solely to dependent claims that recite means plus function limitations, of which no such claims are pending in this application. Applicants accordingly have provided no concise summaries of any of the dependent claims argued separately in the Brief.

In addition, Applicants have now correctly identified the Claims Appendix as section VIII and added an Evidence Appendix as section IX and a Related Proceedings Appendix as section X. Applicants respectfully submit that the Appeal Brief is now compliant and request that the Appeal Brief be submitted to the Board of Patent Appeals and Interferences for consideration.

If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

February 2, 2007  
Date

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